

EXHIBIT 1

Potential Trial Witnesses and Evidence Identified in Each Parties' Respective Venue Briefing¹

1. Third-Party Witnesses With Unknown Willingness to Attend Trial

#	Witness	Subject Matter	Identified In Either Parties' Rule 26 Disclosures?
California			
1	Solomon Hykes (former Docker co-founder)	Operation of accused Docker technology; development of Docker	Yes
2	Jesse Frazelle (former Docker engineer)	Operation of accused Docker technology; collaboration with IBM to develop Docker	Yes
3	Tonis Tiigi (Docker engineer)	Accused Docker technology	Yes
4	Derek McGowan (Docker engineer)	Accused Docker technology	Yes
5	Jonathan Clark (prior art inventor – “Thinstall”)	Prior art system invalidity – “Thinstall”	Yes
6	Andrew Tucker (prior art inventor – “Solaris Zones”)	Prior art system invalidity – “Solaris Zones”	Yes
7	Daniel Price (prior art inventor – “Solaris Zones”)	Prior art system invalidity – “Solaris Zones”	Yes
8	Steven Osman (prior art inventor – “Zap”)	Prior art system invalidity – “Zap”	Yes
9	Dinesh Subhrameti (prior art inventor – “Zap”)	Prior art system invalidity – “Zap”	Yes

¹ The “subject matter” identified for each witness is based on the parties’ positions in their respective transfer briefing and/or Rule 26 disclosures, and is provided for the convenience of the Court. For the avoidance of doubt, IBM does not concede to the purported relevance of those witnesses identified solely in VirtaMove’s transfer briefing and disclosures, nor does IBM concede to the subject matter VirtaMove identifies for the witnesses.

#	Witness	Subject Matter	Identified In Either Parties' Rule 26 Disclosures?
Texas (location noted below in bold)			
1	David Roth / Dallas (former VirtaMove CEO)	Value or operation of VirtaMove products accused of infringing counterclaim IBM patents	No
2	Ernesto Benedito / Dallas (former VirtaMove engineer)	Value or operation of VirtaMove products accused of infringing counterclaim IBM patents	No
Outside of Subpoena Range (location noted below in bold)			
1	Matthew Markley / Kansas (counterclaim patent inventor; former IBM engineer)	Information related to IBM's '858 counterclaim patent	Yes
2	Birgit Pfitzmann / Switzerland (counterclaim patent inventor; former IBM engineer)	Information related to IBM's '858 counterclaim patent	Yes
3	Donn Rochette / Ohio (VirtaMove patent inventor; former VirtaMove engineer)	Conception, reduction to practice, design, and development of VirtaMove patents	Yes

2. Party Witnesses / Retained Consultants Known to Be Willing to Attend Trial

#	Witness	Subject Matter	Identified In Either Parties' Rule 26 Disclosures?
Northern District of California			
1	Nimesh Bhatia (IBM engineer)	Accused Kubernetes and Docker technology	Yes
2	Srinivas Brahmaroutu (IBM engineer)	Accused Kubernetes and Docker technology	Yes
3	John Beck (prior art inventor – “Solaris Zones”; IBM engineer)	Prior art system invalidity – “Solaris Zones”	Yes
Texas			
	N/A	N/A	N/A
Other (location noted below in bold)			
1	Allan Havemose / California (counterclaim patent inventor; consultant)	Information related to IBM's '038, '634, and '500 counterclaim patents	Yes
2	Amit Paradkar / New York (counterclaim patent inventor)	Information related to IBM's '858 counterclaim patent	Yes
3	Nigel Stokes / Canada (VirtaMove CEO)	Ownership of the patents-in-suit, licensing and other transactions involving the patents-in-suit. Financial information relating to and marketing for VirtaMove products and technology. Design and development of VirtaMove products and technology.	Yes
4	Susan Cameron / Canada (VirtaMove office manager)	Operations of VirtaMove	Yes
5	Greg O'Connor / California /	Past business of VirtaMove	Yes

#	Witness	Subject Matter	Identified In Either Parties' Rule 26 Disclosures?
	Massachusetts (former CEO and founder of VirtaMove; VirtaMove consultant)		
6	Mark Woodward / Canada (former VirtaMove engineer; VirtaMove consultant)	Design and development of VirtaMove products and technology	Yes
7	Paul O'Leary / Canada (VirtaMove patent inventor; VirtaMove consultant)	Conception, reduction to practice, design, and development of VirtaMove patents	Yes
8	Dean Huffman / Canada (VirtaMove patent inventor; VirtaMove consultant)	Conception, reduction to practice, design, and development of VirtaMove patents	Yes
9	Chris Rosen / North Carolina (IBM employee)	IBM's products	No
10	Harvinder Saini / Pennsylvania (IBM employee)	IBM's pre-suit interactions with VirtaMove	No
11	Chuck Colford / Canada (former VirtaMove CEO)	VirtaMove's products	No
12	Cedric Burgins / Canada (VirtaMove employee)	VirtaMove's products	No
13	Steven Antoine / Canada (VirtaMove employee)	VirtaMove's products	No
14	Emanuel Sousa / Canada (VirtaMove employee)	VirtaMove's products	No

3. Sources of Proof

#	Source	Subject Matter
Northern District of California		
1	Docker headquarters	Development documents and code for accused Docker technology
2	CNCF / Linux Foundation headquarters	Development documents and code for accused Kubernetes technology
3	Google headquarters	Development documents and code for predecessor “Borg” technology; prior art system invalidity
4	IBM Open Technology Development team	Development documents and code for accused Kubernetes and Docker technology; prior art system invalidity
5	VMWare / Omnisia	Prior art source code and technical documentation – “Thinstall”
6	University of California-Berkeley	Prior art source code and technical documentation – “FreeBSD”
7	Sun Microsystems	Prior art source code and technical documentation – “Solaris Zones”
Eastern District of Texas		
	N/A	N/A
Other (specific location noted below in bold)		
1	VirtaMove headquarters (Canada)	Documents and code related to products accused of infringing IBM’s patents; box of patent files containing communications between VirtaMove and prosecution counsel
2	Paul O’Leary inventor notebook (Canada)	Documents related to VirtaMove’s patents and IBM’s inequitable conduct counterclaim
3	Allen, Dyer, Doppelt, & Gilchrist (Florida)	Documents related to VirtaMove’s patents and IBM’s inequitable conduct counterclaim
4	Virtuozzo headquarters (Washington)	Prior art source code and technical documentation – “Virtuozzo”